

GARDNER'S ADVICE.

Washington, April 10.—Representative Gardner (Mass.), representing the two American fishing vessels seized last week for fishing with trawls in Newfoundland waters, has advised the payment of the \$100 fine under protest. The seizure was made for a violation of a local regulation which Gardner regards as in conflict with the treaty of 1818.

GARDNER'S VIEWS.

Congressman Finds Parallel to Newfoundland Case.

Quotes Statement of the Late Secretary of State Blaine.

Lufkin, in the Boston Advertiser, gives Congressman Gardner's side of the fining of the captains of the schs. A. E. Whyland and Elector of this port, as follows:

"The point at issue is this: Our fishermen have a right under the treaty of 1818 to fish within the three mile limit at certain places on the Newfoundland coast. A local law has been passed by the Newfoundland parliament forbidding the use of trawls for inshore fishing. The Newfoundland government holds that this prohibition applies to Americans as well as natives.

"Our fishermen hold, however, that no local law can be held to supersede their treaty rights. A question similar to this arose at the time the Fortune Bay riots took place.

"I have not looked the matter up recently, but my impression is that the arbitrations in that case decided that a local law of Newfoundland prohibiting Sunday fishing could not be held to apply to Americans engaged in exercising their rights under the treaty of 1818.

"I have not seen any statement of the Newfoundland side of the case, but I imagine that they base their position on the clause in the treaty where the words 'In common with the subjects of his Britannic Majesty' are used.

A second despatch says:

"Representative Gardner continues his work in behalf of the fishing schooners A. E. Whyland and Elector, whose captains were recently arrested by the Newfoundland authorities and fined for alleged violation of a local law."

"In this connection, he has discovered an analogous case which may have an important bearing upon the settlement of the pending one. In 1878, when the Fortune Bay outrage occurred, the state department investigated the circumstances, and in reporting upon them to President Hayes Secretary Blaine referred to the reply of the British government as follows:

"It discloses possible grounds for the rejection of our claims which put upon our rights in the inshore fisheries such limitations or subserviency to British provincial or imperial legislation as seemed to me wholly inadmissible.

"These grounds were that our fishermen were pursuing their industry on Sunday, contrary to a law of Newfoundland passed subsequent to the treaty of Washington: that they were using seines to take herring, contrary to a law of Newfoundland proscribing that method of fishing for the six months of the year between October and April; that they were using seines in a manner prohibited at any season of the year by a statute which precluded catching herring by means of seines except by way of shutting and forth-with hauling the same."

"That case appears to have been similar to the present one," said Mr. Gardner yesterday."

DAILY TIMES FISH BUREAU.

To-day's Arrivals and Receipts.

Sch. Kentucky, Georges, 90,000 lbs. fresh fish.
Sch. Selma, Georges, 75,000 lbs. fresh fish.
Sch. Admiral Dewey, Grand Bank, 35,000 lbs. halibut.
Sch. Flora J. Sears, shore.
Sch. Maud F. Silva, shore.
Sch. Manomet, shore.
Sch. Mary E. Cooney, shore.

Today's Fish Market.

These prices are based on the last known sales.

Shore frozen herring, for bait, \$2.50 per cwt.
Splitting prices of fresh fish: Large Eastern cod, \$1.75; medium do., \$1.25; large Western cod, \$2.12 1-2; medium do., \$1.50; haddock, 85 cts.; cusk, \$1.25; hake, 80 cts.; pollock, 65 cts.

Bank halibut, 8 cts. per lb. for white and 6 cents for gray.

Salt handline Georges codfish, \$4.50 per cwt. for large, \$3.50 for medium.

Salt trawl Georges codfish, \$4.50 for large, 3.50 for medium.

Salt hake, \$1.00.

Salt haddock, \$1.50.

Salt cusk, \$2.25.

Salt trawl bank codfish, \$3.50 for large, \$3.00 for medium.

Newfoundland frozen herring for bait, \$3.00 per cwt.

Boston.

Sch. Louisa R. Silva, 20,000 haddock, 9000 cod.

Sch. Tartar, 12,000 haddock, 9000 cod.

Sch. Robert and Arthur, 30,000 haddock, 20,000 cod.

Sch. Rapidan, 5000 haddock.

Sch. Ellen C. Burke, 50,000 haddock, 15,000 cod, 10,000 cusk.

Sch. Elmer E. Gray, 8000 salt cod, 32,000 halibut.

Sch. Emilia Enos, 5000 haddock, 3000 cod.

Sch. Flavilla, 4000 haddock, 3000 cod.

Sch. Thomas D. Gorton, 85,000 haddock, 27,000 cod.

Sch. Juniata, 60,000 haddock, 20,000 cod.

Sch. Rose Dorothea, 10,000 haddock, 2000 cod.

Sch. Dixie, 1200 haddock, 16,000 cod.

Sch. Orinoco, 50,000 haddock, 20,000 cod.

Sch. Mary E. Cooney, 23,000 haddock.

Sch. Julia Costa, 25,000 haddock, 3000 cod.

Sch. Catherine D. Burke, 65,000 haddock, 17,000 cod.

Haddock, \$1.50 to \$2.75; large cod, \$4; market cod, \$1.75 to \$2; halibut, 8 and 6 cts. per lb.

Fishing Fleet Movements.

Capt. Daniel McDonald of sch. Squanto reports speaking schs. Massachusetts, Elmer E. Gray and Atalanta on Quero recently.

Capt. James C. Gannon is fitting sch. Shenandoah for south seining.

Capt. William Price will now fit sch. Manomet for south mackerel netting.

Capt. Alex Guyish is fitting sch. Almeida for south mackerel netting.

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Salt hake, \$1.00.

Salt haddock, \$1.50.

Salt cusk, \$2.25.

Salt trawl bank codfish, \$3.50 for large, \$3.00 for medium.

Newfoundland frozen herring for bait, \$3.00 per cwt.

Boston.

Sch. Margaret Dillon, 8000 haddock, 2000 cod.

Sch. Catherine Burke,

Sch. Philip P. Manta, 8000 haddock, 1000 cod.

Sch. Henrietta G. Martin, 4000 haddock, 3000 cod.

Sch. Rose Cabral, 8000 haddock, 1000 cod.

Sch. Viking, 14,000 haddock, 500 cod.

Sch. Mattie Brundage, 7000 haddock, 7000 cod.

Sch. James S. Steele, 10,000 haddock, 2000 cod.

Sch. Magnolia, 3000 cod.

Sch. Flora J. Sears, 6000 haddock, 2000 cod.

Sch. Buema, 2000 haddock, 1000 cod.

Sch. Emily Cooney, 9000 haddock, 10,000 cod.

Sch. Sarah, 4000 cod.

Sch. Rita A. Viator, 8000 haddock.

Sch. Juliette, 8500 haddock, 1500 cod.

Sch. Quartette, 3000 haddock, 1000 cod.

Sch. Reliance, 1000 haddock, 4000 cod.

Sch. Stranger, 11,000 haddock, 2000 cod.

Sch. Maud F. Silva, 22,000 haddock, 1000 cod.

Sch. Manomet, 3000 haddock, 5000 cod.

Sch. Louise C. Cabral, 28,000 haddock, 5000 cod.

Haddock, \$1.50 to \$3.30; large cod, \$4; market cod, \$2; pollock, \$3 to \$3.25.

Fishing Fleet Movements.

Sch. Nellie Dixon arrived at this port from Boston yesterday afternoon to fit for south seining. Capt. James Ellis will command her.

After a very successful haddocking season, Capt. Robertson Giffin will now fit sch. Conqueror for south seining.

Halibut Sale.

The fare of sch. Squanto sold to the American Halibut Company at 8 cents per pound for white and 6 cents for gray.